matter is bound by the statements made by such third person, to the same extent as if he made the statements himself. *Burt* v. *Palmer,* 5 Esp. 145; *Hood* v. *Reeve,* 3 C. & P. 532; *R.* v. *Mallory,* 15 Cox Cr. 456; *Chadsey* v. *Greene,* 24 Conn. 562; *Chapman* v. *Twitchell,* 37 Me. 59; *Price* v. *Lederer,* 33 Mo. App. 426; *Over* v. *Schiffling,* 102 Ind. 191; *Mo. K. & T. Ry. Co. et al.* v. *Pettit,* 54 Tex. Civ. App. 358, 117 S. W. 894; *Armstrong* v. *Crump,* 25 Okl. 452.

HUSBAND AND WIFE—NO PRESUMPTION OF COERCION BY HUSBAND.—Husband and wife were indicted for selling liquor, the sale having been made by the wife in the presence of her husband. The court refused to give any instruction with reference to any presumption of coercion. *Held,* that failure to so instruct the jury was not reversible error. *State* v. *Seahorn,* (N. C. 1914) 81 S. E. 687.

The court held that the presumption—that the wife committed the crime by coercion of the husband, if the act was committed in his presence—does not comport with twentieth century conditions; and that the presumption is now denied in most states. The statement that the presumption is denied in most states is hardly correct. It has been abolished by statute in a few states. *Freel* v. *State,* 21 Ark. 212; *Bell* v. *State,* 92 Ga. 49. It is no longer recognized in Kansas. "It has no operation in Kansas on account of changed conditions of our society and institutions. It cannot be right under our present conditions of society." *State* v. *Hendricks,* 32 Kan. 559. In the higher crimes, such as treason (1 Hale P. C. 45), and murder (*Bibb* v. *State,* 94 Ala. 31; *Davis* v. *State,* 15 Ohio 72), coercion was perhaps never presumed. Some courts have also held that there is no such presumption, when the wife is indicted for keeping a house of illfame. *State* v. *Jones,* 53 W. Va. 613; *State* v. *Gill,* 150 Iowa 210, 129 N. W. 821, 9 MICH. LAW REV. 226. The statutes freeing women from ancient disabilities are strictly construed and it has been customary to hold that nothing as to woman's condition at common law has been removed, unless expressly so stated. *Com.* v. *Wood,* 97 Mass. 225; *Neys* v. *Taylor,* 12 S. D. 488. By the weight of authority the presumption still exists. *Com.* v. *Eagan,* 103 Mass. 71; *State* v. *MaFoo,* 110 Mo. 15; *Davis* v. *State,* 15 Ohio 72; *Com.* v. *Flaherty,* 140 Mass. 454; *State* v. *Kelly,* 74 Ia. 589. The presumption, however, is not conclusive. *Com.* v. *Adams,* 186 Mass. 101; *State* v. *Newell,* 156 N. C. 648. And it may be rebutted by slight circumstances. *State* v. *Cleaves,* 59 Me. 298. The reason for still maintaining the presumption is stated in *Com.* v. *Wood,* 97 Mass. 225 as follows: "The doctrine of the common law was that the wife was under the husband's protection, influence, power, and authority, and that he is at the head of the household. He may no doubt still exercise as much power as may be reasonably necessary to prevent her from committing crimes. Although the wife may own and control property, the laws giving her these rights have never been regarded as affecting the rights and power of the husband as head of the family." The principal case is therefore against the weight of authority and contra to former decisions of its own court. *State* v. *Williams,* 65 N. C. 398; *State* v. *Nowell,* 156 N. C. 648.